

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOARD OF PATENT APPEALS AND INTERFERENCES

APPELLANT: CRUZ-SAGREDO GARCIA, J. - 1 PCT

SERIAL NO.: 10/564,426 EXAMINER: Robert H. MUROMOTO JR.

FILED: JANUARY 11, 2006 GROUP: 3765

TITLE: BARBED-TYPE MESH

REPLY BRIEF

MAIL STOP: APPEAL BRIEF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Appellant herewith submits a Reply Brief pursuant to 37 C.F.R. 41.41 in response to the Examiner's Answer dated January 25, 2010.

The rejection of claims 8-13 and 15-20 under 35 U.S.C. §102 was in error and should be reversed. In the Examiner's Answer, the Examiners states that Brickman discloses "barbs (sharp points) on the 'intersections of said metallic bars or wires' as claimed. This is incorrect. Brickman shows barbs located along a wire, but not at an intersection of a wire with another wire.

The present invention claims a mesh formed of wires or bars having intersections with each other, and further comprising sharp points electrowelded to the intersections. In Brickman, the barbs are formed by cutting the wires near the intersection of the mesh, leaving a barb formed around a single wire. In Brickman, the barbs are not welded onto an intersection of wires in a mesh, which is what is claimed in claims 8-22.

On page 7 of the Examiner's Answer, the Examiner refers to Brickman and states that "the barbs are without a doubt formed at the intersections of the wires, as claimed." However, claims 8 and 15 claim that the sharp points "are electrowelded to the intersections of the metallic bars or wires", not just that the points are formed at or out of the intersections. In the present invention, the points are welded onto the intersection of the wires forming the mesh. The points are not part of the mesh itself, which is what occurs in Brickman.

Furthermore, regarding claim 15, Brickman does not show each barb extending from both sides of the mesh. In Brickman, the barbs extend only through one side, as shown in FIG. 2. FIG. 3 is simply an end view of the structure shown in FIG. 2. Elements

12 in FIG. 3 do not extend from the same intersection, but at different points along the wire, and thus, Brickman does not show that "a first part of each sharp point protrudes from one side of the mesh and a second part of each sharp point protrudes from the opposite side of the mesh" as claimed in claim 15. In fact, Brickman states that "each cross wire is bent in a direction opposite to that of the wires adjacent thereto." Thus, each sharp point is bent in a single direction, so that each sharp point protrudes from only one side of the mesh. The Examiner states on page 7 of the Examiner's Answer that no point of reference is claimed for determining the two sides of the mesh. This is incorrect. Both claims 8 and 15 claim a mesh having "two opposite face sides". The sides are thus defined as the opposing faces of the mesh. Brickman does not show any barb that protrudes from both opposing face sides of the mesh.

In addition, on page 7 of the Examiner's Answer, the Examiner refers to FIGS. 3, 5, 6 and 7 of Brickman to show that Brickman has barbs formed at intersections of the wires of the mesh. However, this is incorrect. FIG. 3 is an end view looking longitudinally down FIG. 2. FIGS. 5-7 are variations on the barbs formed from the mesh shown in FIG. 4. In FIGS. 5-7, the

element shown as 14 is not in the same location as barbs 20, 22 or 24, but rather is recessed behind along wire 16, as shown in the view in FIG. 4. Thus, barbs 20, 22 and 24 are connected only to wire 16 and are thus not welded to an intersection of wires of the mesh. Brickman states in col. 2, lines 19-23: "the barb 20 is bent on a sharp radius around the cross wire 16. The barb 22 of Fig. 6 is bent around the wire 15 on a larger radius . . ". Thus, the barbs are not welded to an intersection of wires of the mesh, but are bent around a single wire, as is shown in the drawings.

Accordingly, Appellant submits that claims 8-13 and 15-20 are not anticipated by Brickman.

The rejection of claims 21-22 under 35 U.S.C. §103 was in error and should be reversed. As stated above, Brickman lacks the structure of the sharp points as claimed in claims 8 and 15, from which claims 21 and 22 depend, respectively. This structure is also not shown in White. Therefore, combining White with Brickman would also not lead to the invention claimed in claims 21-22.

Accordingly, Appellant submits that claims 8-13 and 15-22 are patentable over the cited references. Reversal of the Examiner's rejections is respectfully requested.

Respectfully submitted,
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I hereby certify that this correspondence is being electronically filed in the U.S. Patent and Trademark Office on March 24, 2010.



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